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By Mecca Thompson on Dec 19, 2007

FOR THE UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**DECEMBER 19, 2007**  
MICHAEL W. DOBBINS  
CLERK U.S. DISTRICT COURT  
**UNITED STATES JUDICIAL PANEL**  
on  
**MULTIDISTRICT LITIGATION**

UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**Dec 19, 2007**

FILED  
CLERK'S OFFICE

**07 C 7189**

**IN RE: RC2 CORP. TOY LEAD PAINT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 1893

**TRANSFER ORDER**

**JUDGE LEINENWEBER**

**Before the entire Panel:** Defendants and plaintiff in one action have moved, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings of this litigation as follows: (1) plaintiff in the Central District of California action has moved for centralization in the Central District of California; and (2) defendants RC2 Corp. (RC2) and Learning Curve Brands, Inc. have moved for centralization in the Northern District of Illinois. The remaining responding parties agree that centralization is appropriate and support the Northern District of Illinois as transferee forum.

This litigation currently consists of fourteen actions listed on Schedule A and pending in six districts as follows: nine actions in the Northern District of Illinois; and one action each in the Eastern District of Arkansas, the Central District of California, the Southern District of Indiana, the District of New Jersey, and the Eastern District of New York.<sup>1</sup>

On the basis of the papers filed and hearing session held, we find that these actions involve common questions of fact, and that centralization under Section 1407 in the Northern District of Illinois will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions stem from certain toys that were manufactured and/or distributed by defendants and recalled due to the presence of elevated levels of lead in surface paints. Centralization under Section 1407 will eliminate duplicative discovery; prevent inconsistent pretrial rulings, especially with respect to class certification; and conserve the resources of the parties, their counsel and the judiciary.

We are persuaded that the Northern District of Illinois is an appropriate transferee forum for this litigation. The majority of the actions are pending there, defendant RC2 is headquartered there, and, therefore, discovery will likely be found there.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Northern District of Illinois are transferred to the Northern

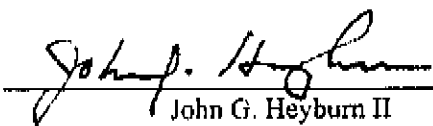
\* Judge Scirica did not participate in the decision of this matter.

<sup>1</sup> The Panel has been notified that four other related actions have been filed in the Northern District of Alabama, the Eastern District of Arkansas, the Southern District of Florida, and the Eastern District of Missouri, respectively. These actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

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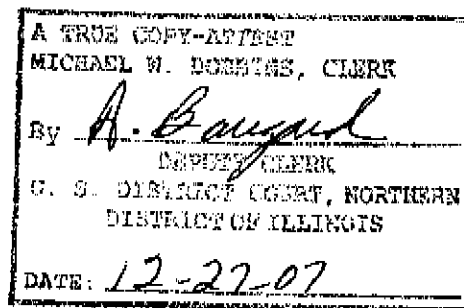
District of Illinois and, with the consent of that court, assigned to the Honorable Harry D. Leinenweber for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

PANEL ON MULTIDISTRICT LITIGATION

  
\_\_\_\_\_  
John G. Heyburn II  
Chairman

D. Lowell Jensen  
Robert L. Miller, Jr.  
David R. Hansen

J. Frederick Motz  
Kathryn H. Vratil  
Anthony J. Scirica\*



**IN RE: RC2 CORP. TOY LEAD PAINT  
PRODUCTS LIABILITY LITIGATION**

MDL No. 1893

**SCHEDULE A**

Eastern District of Arkansas

James Weldon Stratton, et al. v. RC2 Corp., et al., C.A. No. 4:07-640 - 07 cv 7185

Central District of California

Abel Martinez v. RC2 Corp., C.A. No. 2:07-5401 - 07 cv 7186

Northern District of Illinois

Channing Hesse v. Learning Curve Brands, Inc., et al., C.A. No. 1:07-3514  
Jennifer Foshee Deke, etc. v. RC2 Corp., et al., C.A. No. 1:07-3609  
Kimm Walton v. RC2 Corp., et al., C.A. No. 1:07-3614  
John O'Leary, et al. v. Learning Curve Brands, Inc., et al., C.A. No. 1:07-3682  
Paul Djuricic, etc. v. Apax Partners, Inc., et al., C.A. No. 1:07-3707  
Theresa Reddell, et al. v. Learning Curve Brands, Inc., et al., C.A. No. 1:07-3747  
Nicholas Rohde, et al. v. Learning Curve Brands, Inc., et al., C.A. No. 1:07-4187  
Ryan R. Kreiner, et al. v. RC2 Corp., et al., C.A. No. 1:07-4547  
Cherise Wilson, et al. v. Learning Curve Brands, Inc., et al., C.A. No. 1:07-4642

Southern District of Indiana

Chad J. Sweeney, et al. v. RC2 Corp., et al., C.A. No. 1:07-772 - 07 cv 7187

District of New Jersey

David Murdock, etc. v. RC2 Corp., et al., C.A. No. 2:07-3376 - 07 cv 7188

Eastern District of New York

C. Kelly v. RC2 Corp., C.A. No. 1:07-2525 - 07 cv 7189